

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

OXY USA, INC.,

Plaintiff,

v.

SEABOARD SERVICE, INC., et al.,

Defendants.

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CIVIL ACTION NO. 05-3582 (MLC)

**MEMORANDUM OPINION**

**THE PLAINTIFF** advising the Court that "a settlement in principle has been reached between plaintiff and defendants" (1-23-06 Ltr.); and the plaintiff advising further that "the parties respectfully request that [the Court] mark this case settled with the right to restore this action in the event that the parties fail to consummate their settlement within the next 60 days" (id.); and thus the Court intending to (1) deny the defendants' pending motion to dismiss the complaint (dkt. entry no. 10) without prejudice, and (2) dismiss the complaint (a) without costs and (b) without prejudice to reopen the action on good cause shown within 60 days if the settlement is not consummated; and for good cause appearing, the Court will issue an appropriate order and judgment.

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s/ Mary L. Cooper

**MARY L. COOPER**

United States District Judge